

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

ZACARIAS MOUSSAOUI,

Petitioner,

v.

JOYCE ELLEN ROSENDAHL,

Respondent.

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Case No. CIV-20-902-D

ORDER

Petitioner, a prisoner appearing *pro se*, filed this action on September 4, 2020 [Doc. No. 1], seeking a writ of mandamus. Pursuant to 28 U.S.C. § 636(b)(1)(B), the matter was referred to United States Magistrate Judge Gary M. Purcell for initial proceedings.

On September 9, 2020, Judge Purcell directed Petitioner to either pay the \$400.00 filing fee or submit a motion for leave to proceed *in forma pauperis* by September 28, 2020. [Doc. No. 5]. Petitioner was advised that his failure to comply with the Order would result in Judge Purcell recommending dismissal of the action without prejudice. *Id.*

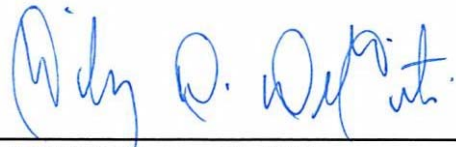
Petitioner filed a motion on October 1, 2020, asking the Court to waive the required filing fee based on the compelling nature of his claims. [Doc. No. 6]. Judge Purcell denied Petitioner's request, and ordered Petitioner to pay the \$400.00 filing fee or submit a motion for leave to proceed *in forma pauperis* by October 20, 2020. [Doc. No. 7].

On October 28, 2020, Judge Purcell filed a Report and Recommendation ("Report") [Doc. No. 8], in which he recommended that this action be dismissed without prejudice because Petitioner had failed to pay the \$400.00 filing fee or submit a motion for leave to

proceed *in forma pauperis*. Judge Purcell advised Petitioner of his right to object and directed that any objection be filed on or before November 17, 2020. Judge Purcell further advised Petitioner that any failure to object would result in waiver of the right to appellate review. The deadline for filing objections has passed. To date, Petitioner has not filed objections and has not sought an extension of time in which to do so.

Accordingly, Judge Purcell's Report and Recommendation [Doc. No. 8] is **ADOPTED** as though fully set forth herein. This action is **DISMISSED** without prejudice. A judgment shall be issued forthwith.

IT IS SO ORDERED this 30th day of November 2020.



TIMOTHY D. DeGIUSTI
Chief United States District Judge